

U.S. Serial No. 10/813,934  
Atty Docket: 25424A

### **REMARKS**

#### **Status of Claims**

Claims 1-34 are pending in the present application. Claims 1-34 stand rejected. Favorable reconsideration is respectfully requested in light of the following amendments and remarks.

#### **Rejection Under 35 U.S.C. 112, Second Paragraph**

Claims 10 and 30 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office states that both claims 10 and 30 recite the limitation "0 to about 20 percent by weight of said lubricant" in claims 8 and 28, respectively. The Office states that there is insufficient antecedent basis for this limitation in these claims since both claims 8 and 28 require the lubricants yet claims 10 and 30, which depend there from, define the lubricants as being required, as indicated by the 0 percent by weight embodiment.

Applicants have amended claim 10 and 30 to read, in part, "greater than 0 to about 20 percent by weight of said lubricant". Applicants respectfully submit that there is proper antecedent basis in claims 10 and 30. Accordingly, Applicants respectfully request that the rejection of claims 10 and 30 be withdrawn.

#### **Rejection Under 35 U.S.C. 102(b) – Kono et al., Shiono et al., Kroesbergen, Manning et al., Gaa et al., or Cossement et al.**

1 and 6-15 stand rejected under 35 U.S.C. 102(b) as anticipated by Kono et al., Shiono et al., Kroesbergen, Manning et al., Gaa et al., or Cossement et al.

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The Office states that in the abstract, Kono et al. and Shiono et al. teach articles comprising coating layers on at least one surface, said coatings comprising a water-absorbent polymer and a binder.

Applicants respectfully traverse this rejection. Shiono et al. teach a tape coated with a **non-aqueous** powder 6 of water absorbing polymer. Applicants specifically claim an aqueous composition.

Kono et al. teach a water absorbing resin 3 which is a polymer. Kono et al. further teach that a binder 4 is used for the water absorbing composition layer to prevent the peeling-off of the water absorbing resin. Kono et al. further teaches that if the water absorbing composition thus manufactured is soluble in an organic solvent, the composition is turned into a film by coating or other methods known to the public (abstract). Applicants specifically claim an aqueous composition. No where to Kono et al. teach or suggest an aqueous composition. Further, Kono et al. teaches away from an aqueous composition via teaching the use of an organic solvent.

As such, Applicants respectfully request that the 102(b) rejection of claims 1 and 6-15 in view of Shinono et al. and Kono et al. be withdrawn.

The Office states that each of Kroesbergen and Manning et al. teach fibrous polymeric articles comprising, on at least one surface, a coating comprising a water-soluble superabsorbent and a binder.

Applicants have amended claim 1 to incorporate the language of claim 3 to clarify that the composition is autocatalytic. As defined in Applicants' specification at page 14, lines 12-15, "...cross-linking agents, i.e., catalysts are not required for the cross-linking of the polymer. The aqueous precursor composition is autocatalytic...".

Kroesbergen specifically teaches adding a cross-linking agent to the polymer solution to obtain a pasty composition (see page 2, lines 8-12). Manning et al. also teach the use of cross-linking agents in the polymer composition, see col. 3, lines 4-8 and Example 1.

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Gaa et al. do not teach or suggest a superabsorbent polymer precursor as Applicants claim. Gaa et al. teach a polyacrylamide which covalently reacts with an aldehyde-condensate-reactable coupling agent (col. 7, lines 58-64).

Cossement et al. do not teach or suggest a superabsorbent polymer precursor as Applicants claim. Cossement et al. specifically teach a homopolymer of an acrylic acid monomer.

Neither Gaa et al. nor Cossement et al. teach or suggest superabsorbent polymers. Applicants teach at page 11, lines 16-20, "The superabsorbent polymers of this invention demonstrate an exceptionally high swell rate, in the order of from about 50 grams to about 340 grams (about 300% to about 2000%) weight in the first minute, based on the total weight of the polymer and the substrate..."

Applicants respectfully submit that claim 1 clearly defines over the prior art. Claims 6-15 ultimately depend from claim 1 and contain the limitations thereof. Accordingly, Applicants respectfully request that the rejection of claims 1 and 6-15 be withdrawn.

#### Rejections Under 35 U.S.C. 103(a)

Claims 2-5 and 16-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kono et al., Shiono et al., Kroesbergen, Manning et al., Gaa et al., or Cossement et al.

As indicated above, claim 1 has been amended to clarify that the composition, as claimed, is autocatalytic. Referring to the arguments presented above with regard to the cited prior art, it is respectfully submitted that the Office Action does not meet the criteria for establishing a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the

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art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. Further, the fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. See MPEP §2143.

Claims 1-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Arroyo et al., or Geusen et al. in combination with Barch et al.

Applicants have amended claim 1 to clarify that the composition is "...for forming a superabsorbent polymer for coating cellulosic articles..." Claim 16 has been amended to clarify that the article is a "cellulosic article". The Office states that Arroyo et al. or Geursen et al. differ from the claimed invention in that the coatings are not explicitly disclosed as comprising conventional components, such as binders. The Office states that it is well known in the art to incorporate such components into a coating composition for fibrous substrates, such as taught by Barch et al.

Barch et al. teach an applicator for applying coatings. The glass fiber strands of the applicator are coated with a film former. Applicants claim, as amended, coating cellulosic articles with a binder. Arroyo et al. teach coating KEVLAR® yarn with a superabsorbent polymer and Geursen et al. teach coating aramid yarn with superabsorbent polymer.

Applicants respectfully submit that none of the prior art, either separately or combined, teach Applicants' claimed invention. As such, a *prima facie* case of obviousness cannot be established in view of the applied prior art.

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Applicants respectfully submit that claims 1-34 clearly defines over the prior art. Accordingly, Applicants respectfully request that the rejection of claims 1-34 be withdrawn.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants submit that claims 1-2, 4-21 and 23-34 are allowable. The Examiner is invited to telephone the Applicants' undersigned agent at (740) 321-7213 if any unresolved matters remain.

If any questions should arise with respect to the above Remarks, or if the Examiner has any comments or suggestions to place the claims in better condition for allowance, it is requested that the Examiner contact Applicants' agent at the number listed below.

Applicants authorize any fees required pertaining to this response be charged to Deposit Account 50-0568.

Respectfully submitted,  
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